



relating to conduct prior to May 16, 2005 should be dismissed as time-barred.

5. Additionally, Count I should be dismissed, and Count II's claim for actual damages should be dismissed, because plaintiffs have not adequately alleged recoverable damages.

6. Washington Mutual Bank incorporates its contemporaneously filed memorandum of law.

Wherefore, Washington Mutual Bank respectfully requests that the amended complaint be dismissed.

WASHINGTON MUTUAL BANK

By: Glenn Heilizer  
One of its attorneys

Glenn E. Heilizer  
Law Offices of Glenn E. Heilizer  
Five North Wabash Avenue  
Suite 1304  
Chicago, Illinois 60602  
312-759-9000

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